

REMARKS

The Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

I. Status of the claims

Claims 1-49, 54-59, 66-68, 70-84, and 88-94 are requested to be canceled without disclaimer or prejudice thereof.

Claims 50-53, 61-65, 69, 85 and 87 are currently being amended. The amendments add no new matter.

Claims 95-112 are being added. The new claims add no new matter. Support for new claims 95-98 can be found in original claims 69, 85, 86 and 87 respectively. Support for new claims 99-110 can be found in claim 87. Support for new claims 111 and 112 can be found in original claim 54.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 50-53, 60-65, 69, 85-87 and 95-112 are now pending in this application.

II. Sequence rules and objection to the specification

The specification is objected to because, allegedly, the application fails to comply with the requirements of 37 C.F.R. §§ 1.821 through 1.825. Specifically, the Office Action notes that sequences on pages 37 and 40 do not recite a SEQ ID NO, and that no sequence listing in Paper Copy or Computer Readable Form has been provided.

On the filing date of October 15, 2001, a paper Sequence Listing was provided to the Patent and Trademark Office; a duplicate, obtained from the Patent and Trademark Office public PAIR site, is provided herewith as Exhibit A. Also on the filing date, a Letter under 37 C.F.R. § 1.821(e) was submitted to the Patent Office requesting that the Computer Readable Form of the parent Application No. 09/157,808 be used for this application. A statement that the Paper Sequence Listing is identical to the Computer Readable Form is also included in the Letter. A duplicate of the Letter, obtained from the Patent and Trademark Office public PAIR site, is also provided herewith as Exhibit B. Thus, both a Paper Form and a Computer Readable Form of the Sequence Listing for the present application have been provided.

Also provided on the filing date of October 15, 2001, was a preliminary amendment. The preliminary amendment included a request to amend pages 37 and 40 to include a SEQ ID NO adjacent to the sequences listed on those pages. A copy of the preliminary amendment, also obtained from the Patent and Trademark Office public PAIR site, is included herewith as Exhibit C.

Accordingly, the present application complies with the requirements of 37 C.F.R. §§ 1.821 through 1.825, and reconsideration and withdrawal of the objection to the specification is respectfully requested.

III. Allowable subject matter

The Applicants note with appreciation the allowance of claims 55-57, 60-64, 83-84 and 92-94.

The Office Action also indicated that claims 54 and 69 are “objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.” (Office Action at page 5).

In compliance, the Applicants have canceled claim 54 which depends from claim 50, and have amended claim 50 to include the limitations of claim 54. Likewise, claim 69 has been amended to depend only from the newly amended claim 50. Additionally, the remaining pending claims have been amended or written to depend from allowable independent claims.

Thus, reconsideration and withdrawal of the objection of claims 54 and 69 is respectfully requested.

IV. Claim rejections – 35 U.S.C. § 102(a)

Claims 45-47, 50-53, 65-67, 81-82, 85-87 and 90-91 are rejected under 35 U.S.C. § 102(a) as allegedly anticipated by Wohlstadter et al. (WO 98/12539).

Claims 45-47, 66, 67, 81-82 and 90-91 have been canceled, thereby obviating the rejection with respect to these claims.

Claims 50-53, 65 and 85-87 are pending. Claim 50 has been amended as recommended by the Examiner to incorporate the limitations of claim 54. The remaining pending claims have been amended or written to depend from allowable independent claims. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102 is respectfully requested.

V. Conclusion

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, the Applicants hereby petition for such extension under 37 C.F.R. § 1.136 and authorize payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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